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May 31, 2017

Via ECFS Electronic Filing

Marlene H. Dortch, Secretary
Office of the Secretary
Federal Communications Commission
445 12th Street, SW, Room TW-A325
Washington, DC 20554

Re: WUE, Inc.
E911 Indoor Location Accuracy Certifications, PS Docket No. 17-78

Dear Ms. Dortch:

WUE, Inc. is a very small wireless carrier that provides cellular radiotelephone service in the Nevada 5 – White Pine RSA (CMA547) under Call Sign KNKR319. Our cellular service area includes Lincoln and White Pine Counties in the State of Nevada, which together encompass more than 19,500 square miles and have a combined population density of less than one person per square mile. The PSAPs that serve our territory are the White Pine County Sheriff and the Lincoln County Sheriff. By this letter we hereby notify the FCC that as of April 3, 2017, WUE had not received a request for Phase II or indoor location service from either PSAP. In the absence of a Phase II-capable PSAP, it is our understanding that the FCC's E911 Phase II and indoor location accuracy rules and related reporting requirements do not apply to WUE.¹

WUE relies on a contractual arrangement with Verizon Wireless to provide switching, billing and various back-office functions for the company's cellular network. Our company fulfills its obligations under Section 20.18(b) of the Commission's rules by routing all wireless 911 calls to the appropriate PSAP.

WUE notes that it has recently agreed to sell its cellular spectrum, network facilities and customers to Verizon Wireless in a transaction that was entered into by WUE on March 20, 2017 and that was approved by the FCC on May 16, 2017.² Following the closing of this transaction,

¹ Under the Commission's Part 20 Rules, a CMRS service provider's obligation to install any hardware and/or software needed to implement Phase II enhanced 911 service is dependent upon receiving a PSAP request. See 47 C.F.R. § 20.18(g)(2).

² See Public Notice Report No. 12304 (dated May 24, 2017) at p. 6. (consenting to the assignment of license KNKR319 from WUE, Inc. to Cellco Partnership).



Verizon Wireless shall be responsible for E911 reporting and regulatory compliance matters in connection with the cellular system operated under Call Sign KNKR319.

WUE is aware that there has been some confusion among smaller CMRS service providers whether the Commission's E911 indoor location accuracy rules and related reporting / certification requirements adopted in the E911 location accuracy *Fourth Report and Order* are applicable to service providers that have not received PSAP requests for Phase II service. Out of an abundance of caution, in the event that the Commission were to interpret Rule Section 20.18 (i) as requiring CMRS providers to meet E911 indoor locations accuracy standards and to submit periodic reports and compliance certifications without regard to Phase II capability of their PSAP partner(s), WUE hereby respectfully requests a temporary waiver of the Rule Section 20.18 (i) requirements until such time as it receives a valid PSAP request and its network is capable of generating E911 location data and delivering such data to the requesting PSAP(s).

Good cause exists to grant WUE a temporary waiver of the indoor location rules and related reporting requirements. As noted above, it is a provider of CMRS service that has not yet received a PSAP request for E911 Phase II service. In the absence of a PSAP request, it would be futile to require a small Tier III CMRS provider with limited resources to deploy indoor location capability and to submit to the FCC the FCC live 911 call data reports, indoor location accuracy certifications, implementation plans and progress reports required by Section 20.18 (i). The Commission made Phase I and Phase II E911 capability contingent on a CMRS carrier's receipt of a valid PSAP request because it makes little sense to force service providers – and especially smaller carriers like WUE – to divert their limited resources to implementing a capability that emergency responders in their area are unable to use. These limited resources might otherwise be available to extend and maintain voice and data services – as well as access to basic 911 service – to remote communities and vast sparsely populated areas that might not otherwise have access to any emergency calling services.

The Commission recognizes the public interest benefit in granting a waiver when “special circumstances particular to smaller carriers may warrant limited relief from 911 requirements.”³ Circumstances such as “financial constraints, small and/or widely dispersed customer bases, and large service areas that are isolated, rural, or characterized by difficult terrain (such as dense forest or mountains) are present with respect to WUE's rural Nevada service area. Significant compliance costs would be wasted in WUE's case, and it would be unduly burdensome for the Company to devote its limited personnel and resources to preparing periodic reports to the FCC and public safety organizations about E911 call activity and location accuracy that doesn't exist because no PSAP is in a position to use the data.

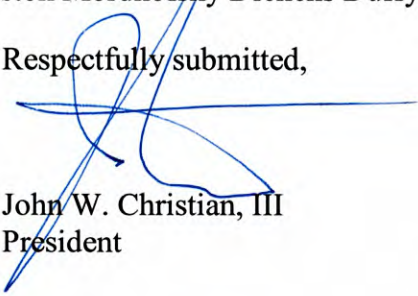
Requiring WUE to implement Phase II capability only so that it has the ability to prepare compliance reports would be contrary to the public interest and unduly burdensome for WUE. For the reasons stated herein, and until such time as WUE has received a valid PSAP request for the services in question, WUE has no reasonable alternative but to request a waiver of the Rule Section 20.18 (i) requirements. A waiver is also justified because the Commission

³ *Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, Petitions for Waiver of Section 20.18(g)(1)(v) of the Commission's Rules, Order, 22 FCC Rcd 8927, at ¶7 (2007).*

announced an exemption from the indoor location requirement in the *Fourth Report and Order*, and this exemption was only later removed by what appeared to be a mere editorial erratum that contained no announcement of or justification for changing significant substantive requirements. At a minimum, this approach caused confusion among service providers subject to the location information requirement.

If you have any questions, please direct any follow up inquiries to John Prendergast or Cary Mitchell at the law firm of Blooston Mordkofsky Dickens Duffy and Prendergast, LLP.

Respectfully submitted,



John W. Christian, III
President

cc: (via email)

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